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10/034,425	12/27/2001	Kamel M. Shaheen	I-2-0195.1US	1718

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EXAMINER

VU, THONG H

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/034,425

Applicant(s)

SHAHEEN ET AL.

Examiner

Thong H. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

1. Claims 1-16 are pending.

Response to Arguments

2. Applicant's arguments filed 6/10/05 have been fully considered but they are not persuasive. Applicant arguments are not based upon the limitations in claim language. Examiner will not response to the arguments directed to the detail in specification which has been amended.

Specification

3. The substitute specification filed 6/10/05 has not been entered because it does not conform to 37 CFR 1.125(b) and (c) because: the new matters have been incorporated to specification. The new paragraphs [0016][0018][0020][0021][0024][0028][0031][0037] carried more weight than the original ones. Especially, the paragraph [0043] is a new and not replaceable.
4. The new abstract is acceptable.

Claim Rejections - 35 USC § 112

5. Claims 1-16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. (i.e.: the new specification).
6. Claims 1-16 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling critical or essential to the practice of the invention, but

not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976); (i.e.: the new specification).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Widegren et al [Widegren, 6,621,793 B2] in view of Sen et al [Sen 6,708,034 B1].

7. As per claim 1, Widegren discloses A method for assigning responsibility for resource reservation protocol (RSVP) signaling in order to support multimedia communications between a user equipment (UE) in a wireless communication network and a user of an external network, the wireless network having both the UE and a general packet radio service gateway support node (GGSN) capable of supporting RSVP signaling, the method comprising:

providing a policy control function (PCF) capable of assigning RSVP signaling to either the GGSN or UE [Widegren, GGSN, RSVP, a policy control function PCF, col 13 line 17-col 14 line 16];

the PCF assigning RSVP signaling to the GGSN or UE [Widegren, assigns user data unit, col 6 lines 4-10];

if the PCF assigns RSVP signaling to the UE [Widegren, the session establishment in the case of RSVP, the proxy server supplied information to the PCF, col 14 lines 10-16];

the PCF signaling the GGSN assignment to the GGSN [Widegren, RSVP sends information to GGSN, col 14 lines 1-9; col 13 line 52-col 14 line 59];

in response to receiving the GGSN assignment, the GGSN performing RSVP signaling [Widegren, GGSN signaling such as RSVP, col 14 lines 5-16]; and

if the PCF assigns RSVP signaling to the UE:

the PCF signaling the UE assignment to the GGSN [Widegren, GGSN receives information, the session establishment in the case of RSVP, the proxy server supplied information to the PCF, col 14 lines 10-16];

in response to receiving the UE assignment, the UE performing RSVP signaling [Widegren, RSVP signaling, Fig 5, col 3 line 64-col 4 line 10].

However Widegren does not explicitly detail

the PCF signaling the UE **not** to perform RSVP signaling; and

the PCF signaling the GGSN **not** to perform RSVP signaling;

In the same endeavor, Sen discloses a method for end-to-end quality of service guarantee in a wireless environment wherein RSVP agent in the GGSN communications with the Policy Control Function (PCF) which included the translator and the admission controller [Sen, col 5 lines 7-45, Fig 5; col 4 lines 35-56]. It was clearly that the admission controller could provide the signal to GGSN or UE based upon the policy and determine whether or not it performs RSVP signaling. A skill artisan

would have configured the admission controller established a communication between the PCF and UE wherein the PCF signals the UE not to perform RSVP; then the PCF and GGSN wherein the PCF signals the GGSN not perform RSVP signaling as design choices.

Therefore it would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate the PCF which included the translator and the admission controller as taught by Sen into the Widegren's apparatus in order to take advantage of the PCF. Doing so would provide a guarantee service in a wireless environment.

8. As per claims 5,11 contain the similar limitations set forth in claim 1. Therefore claims 5,11 are rejected for the same rationale set forth in claim 1.

9. As per claim 2, Widegren-Sen disclose the PCF delegates the RSVP signaling assignment to the GGSN [Widegren, RSVP signaling, Fig 5, col 3 line 64-col 4 line 10].

10. As per claim 3, Widegren-Sen disclose the GGSN bases the delegated RSVP signaling assignment in response to local traffic conditions [Widegren, GGSN receives information, the session establishment in the case of RSVP, the proxy server supplied information to the PCF, col 14 lines 10-16].

11. As per claim 4, Widegren-Sen disclose the GGSN bases the delegated RSVP signaling assignment to a local policy of the GGSN [Widegren, GGSN receives information, the session establishment in the case of RSVP, the proxy server supplied information to the PCF, col 14 lines 10-16].

12. As per claim 6, Widegren-Sen disclose the GGSN bases the RSVP signaling assignment in response to local traffic conditions [Widegren, GGSN receives information, the session establishment in the case of RSVP, the proxy server supplied information to the PCF, col 14 lines 10-16].

13. As per claim 7, Widegren-Sen disclose the GGSN bases the RSVP signaling assignment in response to a local policy of the GGSN [Widegren, GGSN receives information, the session establishment in the case of RSVP, the proxy server supplied information to the PCF, col 14 lines 10-16].

14. As per claim 8, Widegren-Sen disclose the GGSN bases the RSVP signaling assignment on a negotiation between the GGSN and UE [Widegren, negotiated, col 7 lines 19-44].

15. As per claim 9, Widegren-Sen disclose in response to the GGSN receiving a message indicating the GGSN should perform RSVP signaling from the UE, the GGSN makes the RSVP signaling assignment [Widegren, GGSN receives information, the

session establishment in the case of RSVP, the proxy server supplied information to the PCF, col 14 lines 10-16].

16. As per claim 10, Widegren-Sen disclose if the GGSN assumes the RSVP signaling an acknowledgment is sent to the UE and if the GGSN assigns the RSVP signaling to the UE a negative acknowledgment is sent to the UE [Widegren, acknowledgment, col 18 lines 59-67; col 22 lines 18-25].

17. As per claim 12, Widegren-Sen disclose if the GGSN receiving the second message indicating declining, the GGSN deciding who performs RSVP signaling [Widegren, GGSN receives information, the session establishment in the case of RSVP, the proxy server supplied information to the PCF, col 14 lines 10-16].

18. As per claim 13, Widegren-Sen disclose if the GGSN receiving the second message indicating an acceptance, the GGSN performing RSVP signaling [Widegren, GGSN receives information, the session establishment in the case of RSVP, the proxy server supplied information to the PCF, col 14 lines 10-16].

19. As per claim 14, Widegren-Sen disclose the UE is the one and the GGSN is the other, the method further comprising in response to receiving the first message the GGSN determining who performs the RSVP signaling [Widegren, local policy, col 15

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lines 30-42; col 17 lines 54-64].

20. As per claim 15, Widegren-Sen disclose the GGSN determining the RSVP signaling performing based on the local traffic conditions [Widegran, local policy, col 15 lines 30-42; col 17 lines 54-64].

21. As per claim 16, Widegren-Sen disclose the GGSN determining the RSVP signaling performing based on a local policy of the GGSN [Widegran, local policy, col 15 lines 30-42; col 17 lines 54-64].

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thong Vu*, whose telephone number is (571)-272-3904. The examiner can normally be reached on Monday-Thursday from 8:00AM- 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Rupal Dharia*, can be reached at (571) 272-3880. The fax number for the organization where this application or proceeding is assigned is 703-872-9306

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval IPAIRI system. Status information for published applications may be obtained from either Private PMR or Public PMR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thong Vu
Patent Examiner
Art Unit 2142

